

An  
Bord  
Pleanála

**Board Order**  
**ABP-321484-24**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: Kilkenny County Council**

**Planning Register Reference Number: 2460237**

**Appeal** by Michael and Marina McMahon of Coolmeen, Ballyhale, County Kilkenny against the decision made on the 20<sup>th</sup> day of November, 2024 by Kilkenny County Council to grant subject to conditions a permission to Michael, Keith and Conor Phelan care of Declan Dempsey of The Quay, Thomastown, County Kilkenny in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a loose/slatted shed, manure pit, concrete aprons and associated site works necessary to facilitate the proposed development at Coolmeen, Ballyhale, County Kilkenny.

**Decision**

**GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.**

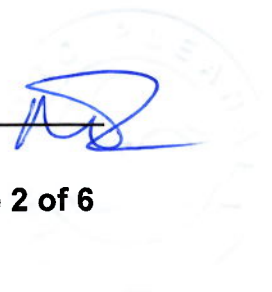
## Reasons and Considerations

Having regard to Section 5.2.4 of the Kilkenny City and County Development Plan 2021-2027 which seeks to facilitate and support the development of agriculture and food whilst ensuring environmental protection, to the planning history of the site, and to the nature and scale of the proposed development, and its location within an established farmyard in a rural setting, it is considered that, subject to compliance with the conditions set out below, the proposed development would be an appropriate land use in this rural and agricultural area, would not seriously injure the amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 26<sup>th</sup> day of October 2024, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** in the interest of clarity.



2. Access to the development during the construction phase and during the operational phase shall be via the farm roadway shown on the site plan Drawing Number 3.

**Reason:** in the interest of clarity.

3. The slatted shed shall be constructed in accordance with the specifications as issued by the Department of Agriculture, Farming and the Marine and referenced in the European Union (Good Agricultural Practice for the Protection of Waters) (Amendment) Regulations, 2022, as amended. The slatted shed shall be used only in strict accordance with a management schedule which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The management schedule shall be in accordance with the European Union (Good Agricultural Practice for Protection of Waters) (Amendment) Regulations 2022, as amended, and shall provide at least for the following:

- (a) details of the number and types of animals to be housed,
- (b) arrangements for the collection, storage and disposal of slurry,
- (c) arrangements for the storage and disposal of manure, and
- (d) arrangements for the cleansing of the buildings and structures (including the public road, where relevant).

**Reason:** In order to avoid pollution and in the interest of residential amenity.

4. Details of the finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity and orderly development.

5. Water supply and drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard:

- (a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways, and
- (b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of waters (Amendment) Regulations, 2022, as amended), or to a slatted tank. Drainage details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of environmental protection and public health.

6. All foul effluent and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities and no effluent or slurry shall discharge or be allowed to discharge to any stream, river or watercourse, or to the public road.

**Reason:** In the interest of public health.

7. All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, streams or adequate soakpits and shall not discharge or be allowed to discharge to the foul effluent drains, foul effluent and slurry storage tanks or to the public road.


**Reason:** In order to ensure that the capacity of effluent and storage tanks is reserved for their specific purposes.

8. The removal of organic waste material and its spreading on land by the applicant or third parties shall be undertaken in accordance with the systems of regulatory control implemented by the competent authorities in relation to national regulations pursuant to Council Directive 91/676/EEC (the Nitrates Directive) concerning the protection of waters against pollution caused by nitrates from agricultural sources.

**Reason:** In the interest of environmental protection.

9. The landscaping scheme shown on drawing number FI2 as submitted to the planning authority on the 26<sup>th</sup> day of October 2024, shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason:** In the interest of visual amenity.

  
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**MaryRose McGovern**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**



Dated this 30<sup>th</sup> day of April 2025.